

C A D W A L A D E R

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May 17, 2024

VIA ECF

Honorable John G. Koeltl  
Senior United States District Judge  
500 Pearl Street  
New York, New York 10007

Re: *Leadenhall Capital Partners LP, et al. v. Wander, et al.*  
24 Civ. 3453 (JGK)

Dear Judge Koeltl:

We write separately on behalf of Advantage Capital Holdings LLC (“A-CAP”) and Kenneth King (together with “A-CAP,” the “A-CAP Parties”) to highlight certain “differences among the various parties.” 5/14/2024 Hearing Tr. at 11:17. The A-CAP Parties had expected to do so, as needed, in a single, joint Status Report. Plaintiffs’ unilateral “Status Report” (ECF # 73) has, however, necessitated this separate filing.

Plaintiffs’ motion for a temporary restraining order and preliminary injunction (ECF # 56) are not directed to the A-CAP Parties. That is evident from the face of Plaintiffs’ papers. *See, e.g.*, ECF # 56 at pp. 1-2, 4. Plaintiffs’ counsel confirmed as much during the parties’ May 14 conference in the jury room—and committed to narrow the relief sought so as not to restrain the A-CAP Parties’ exercise of their rights. And the point was underscored when the parties reconvened before the Court. 5/14/2024 Hearing Tr. at 7:21-23; 11:5-18. That is for good reason: there are no plausible grounds to seek emergency relief from the A-CAP Parties.

There is thus no basis for Plaintiffs to make any demands of the A-CAP Parties, much less tie such demands to the fate of their emergency motion. There is much more to say about Plaintiffs’ baseless demands on the substance, but that is for another day.

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The A-CAP Parties agree that the appropriate next step is for Plaintiffs and the 777 and 600 entities to brief Plaintiffs' motion on the schedule agreed to in the jury room, with oppositions due May 24 and replies due May 28.

As for the A-CAP Parties, counsel intends to meet and confer with Plaintiffs' counsel on a briefing schedule for the A-CAP Parties' forthcoming motion to dismiss.

We appreciate the Court's attention to this matter.

Respectfully,

/s/ Jonathan M. Watkins  
Jonathan M. Watkins

JMW

cc (via ECF): All counsel of record